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Chapter 7 Trustee

Order Filed on January 12, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

Case No. 20-18749 (KCF)

COLLEEN D. ASHTON,

Honorable Kathryn C. Ferguson

Debtor.

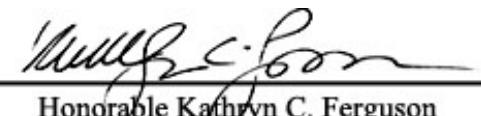
Chapter 7

ORDER GRANTING RELIEF SOUGHT IN CHAPTER 7 TRUSTEE'S MOTION SEEKING ENTRY OF AN ORDER APPROVING THE SALE OF THE ESTATE'S INTEREST IN CERTAIN REAL PROPERTY AT 64B QUAIL RUN, JAMESBURG, NEW JERSEY 08831 TO MALLORY UTTER AND RYAN HORSCH, FREE AND CLEAR OF ALL LIENS, CLAIMS, INTERESTS, AND ENCUMBRANCES, PURSUANT TO 11 U.S.C. §§ 105(a), 323(a) AND 363(b), (f) AND (m), AND 541; WAIVING THE FOURTEEN DAY STAY PROVIDED BY F.R.B.P. 6004; AND GRANTING RELATED RELIEF

The relief set forth on the following pages, numbered two (2) through five (5), is hereby

ORDERED.

DATED: January 12, 2021


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Debtor: Colleen D. Ashton

Case No.: 20-18749 (KCF)

Caption of Order: Order Granting relief sought in Chapter 7 Trustee's Motion Seeking Entry of an Order Approving the Sale of the Estate's Interest in Certain Real Property at 64B Quail Run, Jamesburg, New Jersey 08831 to Mallory Utter and Ryan Horsch, Free and Clear of All Liens, Claims, Interests, and Encumbrances, Pursuant to 11 U.S.C. §§ 105(a), 323(a) and 363(b), (f) and (m), and 541; Waiving the Fourteen Day Stay Provided By F.R.B.P. 6004; and Granting Related Relief

UPON the Motion¹ of John M. McDonnell, the chapter 7 trustee (the "Trustee") for the estate of Colleen D. Ashton, the chapter 7 debtor (the "Debtor"), by and through his counsel, McDonnell Crowley, LLC, and the verified application (the "Application") filed in support of the Motion, seeking entry of an order (i) authorizing the sale of the estate's interest in certain real property located at 64B Quail Run, Jamesburg, New Jersey 08831² (the "Jamesburg Property") to Mallory Utter and Ryan Horsch or their designees or assignees (the "Buyers"), the proposed buyers, free and clear of all liens, claims, interests, and encumbrances, of the estate's interest in the Jamesburg Property, (ii) granting related relief all pursuant to sections 105(a), 323(a), 363(b), (f) and (m), and 541(a) of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the "Bankruptcy Code") Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and (iii) granting related relief; and the Court finding that (i) it has jurisdiction over the matters raised in the Motion, pursuant to 28 U.S.C. §§ 157 and 1334, (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), (iii) the relief requested in the Motion is in the best interests of the Debtor's estate and its creditors, (iv) adequate notice of the Motion and the hearing thereon has been given and that no other or further notice is necessary, and (v) upon the record herein, after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein;

IT IS HEREBY ORDERED that:

1. The Trustee's Motion be and hereby is granted in its entirety.

¹ Unless otherwise defined herein, all capitalized terms shall have the meaning ascribed to them in the Application.

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Debtor: Colleen D. Ashton

Case No.: 20-18749 (KCF)

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2. The agreement of sale (the "Agreement of Sale"), attached to the Application as Exhibit "A", be and hereby is approved in its entirety.

3. The Trustee be and hereby is authorized to sell the Jamesburg Property to the Buyers.

4. The Trustee be and hereby is authorized to sell the estate's interest in the Jamesburg Property to the Buyers, for the aggregate sum of \$80,000³ for the entire Jamesburg Property, free and clear of all liens, claims, interests, and encumbrances, pursuant to section 363(b), (f) and (m) of the Bankruptcy Code (the "Sale").

5. The Trustee is selling the estate's interest in the Jamesburg Property is "AS IS" and "WHERE IS" with no representations and/or warranties, including, but not limited to, any representation of any kind as to the condition or title.

6. The Sale as set forth above shall be defined as the "Transaction" herein.

7. The stay provisions under Bankruptcy Rule 6004 be and hereby are waived and therefore not applicable to this Sale.

8. The Trustee is authorized to execute any and all documents necessary to effectuate the Transaction set forth herein, including, without limitation, a trustee's deed to convey the estate's interest in the Jamesburg Property.

9. The Buyers are deemed to be good faith purchasers pursuant to 11 U.S.C. § 363(m).

10. The Transaction was negotiated, proposed, and entered into by the parties without

² a/k/a 64 B Quail Run, Monroe Township, New Jersey 08831.

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Debtor: Colleen D. Ashton

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collusion, in good faith, and arms length bargaining position.

11. The sale of the estate's interest in the Jamesburg Property is in the best interests of the creditors and the estate.

12. The closing shall take place in accordance with the terms of the Agreement of Sale.

13. At the closing of the Sale, the Trustee shall make payment of all necessary closing costs, commission, taxes and fees allocable and in connection with the Sale from the gross sale proceeds.

14. At closing of the Sale, all valid liens, claims or encumbrances against the Jamesburg Property shall attach to the proceeds of the Sale.

15. The Debtor is directed to cooperate with the Trustee and to execute any and all documents necessary to effectuate the sale to the Buyers.

16. The Trustee will serve this Order on the Buyers, the United States Trustee's Office, counsel to the Debtor, and all parties who have filed a notice of appearance in this case, within seven (7) days of the entry of this Order.

17. The Debtor shall leave the property in "broom clean" condition on the closing date.

18. The Debtor shall remove her personal assets and belongings before the closing date.

19. The Debtor shall vacate the Jamesburg Property before the closing date.

20. The closing of title shall take place within sixty (60) days of the entering of this Order.

³ This sale amount reflects the entire gross sale price of the Jamesburg Property.

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21. The Court shall retain exclusive jurisdiction with respect to any and all issues relating to the enforcement of this Order.

In re:
Colleen D. Ashton
Debtor

Case No. 20-18749-KCF
Chapter 7

District/off: 0312-3
Date Rcvd: Jan 13, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
- # Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 15, 2021:

Recip ID	Recipient Name and Address
db	#+ Colleen D. Ashton, 64 Quail Run Drive, Jamesburg, NJ 08831-1154

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 15, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 13, 2021 at the address(es) listed below:

Name **Email Address**

Brian Thomas Crowley on behalf of Trustee John Michael McDonnell bcrowley@mchfirm.com bcrowley@mcdonnellcrowley.com

Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmllawgroup.com bkgroup@kmllawgroup.com

John Michael McDonnell on behalf of Trustee John Michael McDonnell jmcdonnell@mchfirm.com NJ95@ecfcbis.com, bcrowley@mchfirm.com

John Michael McDonnell jmcdonnell@mchfirm.com NJ95@ecfcbis.com, bcrowley@mchfirm.com

S. Daniel Hutchison on behalf of Debtor Colleen D. Ashton sdteamlaw@outlook.com

District/off: 0312-3

User: admin

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Date Rcvd: Jan 13, 2021

Form ID: pdf903

Total Noticed: 1

backupcourt@outlook.com;sdhlawpara1@outlook.com;hutchisonr39026@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6